

Notice of Allowability	Application No.	Applicant(s)	
	10/788,570	GASLOLI ET AL.	
	Examiner	Art Unit	
	Leo Boutsikaris	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 10/26/04.
2. ☒ The allowed claim(s) is/are 2-21 and 23.
3. ☒ The drawings filed on 27 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Allowable Subject Matter

Claims 2-21, 23 are allowed.

Claims 2-21, 23 are allowable over the prior art of record for at least the reason that even though the prior art discloses a dichroic neutral density optical filter comprising a plurality of dielectric thin film layers disposed on a substrate and having neutral density transmission of at least 25 nm between two highly reflective regions, the prior art fails to teach or reasonably suggest, regarding claims 2-21, a dichroic neutral density optical filter, wherein the average transmission over a selected neutral density transmission region between two highly reflective regions is between 50% and 3.5%, and regarding claim 23, a dichroic neutral density optical filter comprising means for reflecting between 96.5% and 50% of light over a second portion of the spectrum, the second portion providing a neutral density factor between 0.3 and 1.5, and the second portion located between a first and a third portion where essentially all light is reflected, as set forth by the claimed combination.

In Bartolomei's dichroic filter, the average transmission over the neutral density transmission region is about 72% (Fig. 12B). Kyogoku (US 4,659,178, Fig. 3), Lange (US 5,966,240, Fig. 2), and Shimamura (US 6,249,378, Fig. 6) all disclose multilayer optical filters having transmission spectra where a transmission region is located between two highly reflective regions. However, in the above filters, said transmission region does not have neutral density transmission characteristics, i.e., the transmission of light is not substantially constant as a

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function of the wavelength over the said region. Finally, Dummernix (GB 2137769, Fig. 2) discloses an interference optical filter, where the transmission spectrum comprises a neutral density transmission region located between two highly reflective regions. However, the transmission coordinate is not defined. In any case, if T is given in % terms, the average transmission is close to 1%, if T is given in a normalized form, then the average transmission is close to 100%.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Leo Boutsikaris whose telephone number is 571-272-2308.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 26, 2004

